

REMARKS

Claims 1-48 are presently pending in this application. Claims 1-8 and 17-48 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1 and 3-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chang, U.S. Pat. App. Pub. No. 2002/0122605.

Claims 2 and 17-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chang, U.S. Pat. App. Pub. No. 2002/0122605, further in view of Kim, WO 2003/005717.

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a mobile videophone terminal that performs video communication using one of a still image and a moving image, including an image capturing section that captures a first display information, a videophone communication performing section that receives second display information from a receiving end in the video communication to perform videophone communication, a data communication performing section that receives third display information through a predetermined base station. An image combining section that

generates fourth display information by combining the first, second and third display information, and that generates fifth display information by combining the first and third display information, a transmitting image selecting section that transmits the fifth display information as a transmitting image to the receiving end, and a displaying image selecting section that displays the fourth display information as a displaying image.

Conventionally, mobile terminals provide only the function of composing an image-attached mail in addition to the function to compose a text mail, wherein the conventional mobile terminal cannot transmit the mail attached with the image captured by a camera mounted in the mobile phone while the user is talking on the mobile terminal. Additionally, videophone terminals only intended to hide the reflecting background. Further, the videophone terminal cannot transmit and receive various data while talking on the videophone to share the data with each other since there is a limit to the transmission and reception of information. (Application at page 2, lines 18-28).

The claimed invention (e.g., as recited in claim 1), on the other hand, includes “an image combining section that generates fourth display information by combining the first, second and third display information, and that generates a fifth display information by combining the first and third display information, a transmitting image selecting section that transmits the fifth display information as a transmitting image to the receiving end, a displaying image selecting section that displays the fourth display information as a displaying image.” These features of the invention are important to provide a mobile videophone terminal capable of retrieving an image data, etc. through a network using multitask function, transmitting the retrieved data to the mobile terminal on the receiving end, and displaying the information on the displays of the mobile phones on the both sides while

talking on the videophone, (Application at page 3, lines 5-10).

II. THE ALLEGED PRIOR ART REJECTIONS

A. The 35 U.S.C. § 102(e) Rejection over Chang, U.S. Pat. App. Pub. No. 2002/0122605

The Examiner alleges that Chang, U.S. Pat. App. Pub. No. 2002/0122605, (Chang), teaches the invention of claims 1 and 3-16.

Applicant submits, however, that Chang does not teach or suggest,

“an image combining section that generates fourth display information by combining the first, second and third display information, and that generates a fifth display information by combining the first and third display information.”

Chang generally discloses a method and apparatus for transmitting an image of a user synthesized with a pseudo background image so that the real background of the user is not exposed in a visual conversation through a visual terminal apparatus by an image processing unit that extracts only a user's face from a user image acquired by a camera unit and synthesizes the acquired user's face with a random background, (paragraph [0015]), wherein the random background may be downloaded from the internet or another computer, (paragraph [0022]). (Emphasis added.)

However, Chang fails to teach suggest generating the user's image from the image extracting in 32 synthesized with a background image from the second memory 33, (as alleged by the Examiner to the call to Applicant's generated fourth display information,) in combination with the received video information from the videophone communication.

Additionally, Chang fails to teach or suggest displaying as a display image the generated users image from the image extracted in 32, synthesized with a background image

from the second memory 33 in combination with the received video information from the videophone communication.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Chang, U.S. Pat. App. Pub. No. 2002/0122605 further in view of Kim, WO 2003/005717

The Examiner alleges that Chang, U.S. Pat. App. Pub. No. 2002/0122605, (Chang), further in view of Kim, WO 2003/005717, (Kim), makes obvious the invention of claims 2 and 17-48.

With respect to the rejection of Applicant's claims 2 and 17-48, Applicant respectfully submits that neither Chang, nor Kim, nor any alleged combination, teaches or suggest:

“an image combining section that generates fourth display information by combining the first, second and third display information, and that generates a fifth display information by combining the first and third display information.”

Kim discloses the user may receive icon files or data files from an external device (e.g., a PC) through a port installed in the mobile phone instead of the pictures taken by the camera, store them in the flash memory 30, and transmit them to the person, (page 11, lines 18-21).

However, Kim fails to teach or suggest, an image combining section that generates fourth display information by combining the first, second and third display information, and that generates a fifth display information by combining the first and third display information, a transmitting image selecting section that transmits the fifth display

information as a transmitting image to the receiving end, and a displaying image selecting section that displays the fourth display information as a displaying image. Therefore, Kim fails to overcome the deficiencies of Chang.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

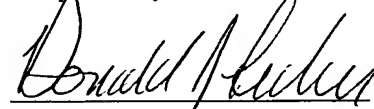
In view of the foregoing, Applicant submits that claims 1-48, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: January 29, 2007

Respectfully Submitted,



Donald J. Lecher, Esq.

Reg. No. 41,933

Sean M. McGinn, Esq.

Reg. No. 34,386

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254